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LAWS OF VERMONT.

passed at the Annual Session, 1861. mighaled by the Secretary of State for Publication in all the Newspapers.]

1 - An act apportioning the members of the omite of this State, to the several Counties. is hereby enacted by the General Assembly he State of Vermont, as follows : ac 1. The several Counties in this State

be entitled to elect and have their Senators the following proportion, to wit:

Addison County, two; Bennington County, two; Caledonia County, two; Chittenden County, three; Essex County, one; Franklin County, three; Grand Isle County, one; Lamoille County, one; Orange County, two; Orleans County, t.o; Rutland County, three; Washington County, three ; Windham County, two ;

Windsor County, three. Sac. 2. All acts inconsistent with this act are breby repealed.

Approved Nov. 20, 1861.

0. 3.—An act providing for the exercise of the Executive powers in cases of vacancy in the flices of Governor and Lieutenant Governor. it is hereby enacted, 4.c.

Sec. 1. Whenever there shall be a vacancy in soffices of Governor and Lieutenant Governor, wastoned by a failure to elect, or by the removstrom office, or by the death, resignation, or pability of both the Governor and Lieutemant vernor, the Speaker for the time being, of the Buse of Representatives shall act as Governor, and shall exercise the powers, and discharge the hirs appertaining to the office of Governor, acardingly, until the disability shall be removed a bovernor shall be elected.

SEC 2. The act entitled "An act relating to the fires of Governor and Lieutenant Governor approved November 10th, A. D. 1851, is

SEC 3. This act shall take effect from its

Approved Oct. 30, 1861.

No. 4. - An act to amend " An act providing for the revision of the public laws of this State,' approved Nov. 26, 1860. It is hereby enacted, &c.

Sic. 1 Section one of "An act providing for the revision of the public laws of this State, approved Nov. 26, 1860, is so amended that the report contemplated by said act to be made to the General Assembly at its present session shall bemade to the Governor of this State on or bebre the 20th day of June, A. D. 1862.

Sec 2. Said commissioners shall have the said mis on printed and ready for the use of the ten rel Assembly by the first day of July, A.

Src. 3. This act shall take effect from its

Approved Nov. 21, 1861.

No. 6.-An act for the protection of the trea-

his hereby enacted, &c. Sac. I. It shall be the duty of the Governor

brequire the officer in command of each regiant from this State, that is now, or may heresher be, in the service of the United States, to sike, or cause to be made, and returned to the Aljutant and Inspector General of this State lanwith, a full and complete roll, by compans. of the non-commissioned officers, musicians, ad privates in his regiment, and thereafter, unhe chargement is discharged from service, the wantanding officer thereof, on the first day of said the following named months, commenting on the first day of January, A. D. 1862, wit; the months of January, March, May, sur, September, and November, shall be rewired to report to the Adjutant and Inspector beneral, all changes in his regiment, caused by fomotion, desertion, death, discharge, or othdate since his last preceding report, giving or date of each such change; and he shall be hysites at the same time, and in like manner. to report a ladditions to his command by enbillment, stating the name, age, date of carollment and place of residence, of each person so thoused. And it shall be the duty of the Adstant and Inspector General to Jurnish, as soon a practicable, a certified copy of each report becam provided for to the Treasurer of this

Sic. 2. The officer in command of any detachti company from this State connected with any ther regiment in the service of the United States shall make or cause to be made such relorns and reports of h s company as are required

y section one of this act. Sec. 3. The proviso to section second of the terentuled " An act to provide for the families of citizens of Vermont, mustered into the service of the United States" approved April 26, 1861, shereby amended so as to read as follows ; protide!, that no order shall be paid by the Treasarer of the State for less than seven dollars, unles such soldier shall have died, or have been discharged from service; nor shall such order e paid unless the name of the soldier be found, by the Freasurer, upon the rolls lodged in his offer, as required by the first section of this act, and such order of the soldier shall be countersigned by the commanding officer of his compaor by the acting Quartermaster of the regibent m which such soldier shall serve; and no Doney payable, or received under the provisions of this acc, shall be subject to attachment by

Sic. 4. Minors and men without families, in the service may draw orders upon the State Beautres for the seven dollars per month due b tem from the State upon the conditions, and this the restrictions specified in the second go ion of this met.

day of December, A D. 1861. Approved, Nov. 21, 1861.

No. 7 .- An act in amendment of section four of an act for the better protection of the Treasury, approved Nov. 27, 1860.

It is hereby enacted, &c. Sec. 1. Section four of an act entitled "An act for the better protection of the Treasury,' approved November 27, 1860, shall hereafter read as follows: "If the Treasurer shall divert, · misapply or conceal any of the public treasure "he shall, on conviction thereof, be punished by imprisonment in the State Prison for a term of not less than two or more than ten

Sec. 2. This act shall take effect from its Approved Nov. 8, 1861.

No. 8 -An act in addition to an act entitled, " an act relating to the sureties of the late State Treasurer.

It is hereby enacted, &c. SEC 1. The Committee appointed by the act relating to the sureties of the late State Treasurer, ' approved Nov. 26, 1860, are authorized in their discretion to commence and prosecute any suit at law or in equity in the name of the State of Vermont against said Treasurer, and any of his sureties, and any other parties, to enforce and protect the rights of this State, and may employ counsel for that purpose; and said Committee may also redeem any property attached on any process in any suit now pend ing against said Treasurer or his sureties, from any mortgage or incumbrance if in their judg-ment the interest of the State requires it, and the auditor of accounts is directed to draw all necessary orders upon the Treasurer of the State for that purpose : Provided, that if all the assets of the late state treasurer belonging to the state, growing out of the defalection of said late treasurer, now in the hands of any person, shall be surrendered to the State, then said commissioners are hereby authorized, if in their opinion it shall be for the interest of the State so to do, to discharge any or all of the signers of said late treasurer's bonds who may prove, to the satisfaction of said commissioners, that they have in no way participated in the use of treasury funds, for speculation or other purposes; and provided that such discharge shall not be so construed as to impose upon any person not discharged the payment of any larger sum than he would be obliged to make if no such aischarge had been given.

SEC. 2. This act shall take effect from its

No. 9 .- An act in relation to accounts of Superintendents of Schools.

It is hereby enacted, &c.

The Superintendents of Schools are hereby required to make out in detail their accounts for official services, stating the date and time spent, as well as the nature of each act of ser vice rendered, and made oath (or affirmation) to the correctness of the same before some magistrate in the town where such service was rendered, which oath or affirmation shall be certified to by such magi trate before such Superintendent's accounts shall be presented for al

SEC. 2. The accounts of Superintendents of Schools shall be presented to the State Auditor and when approved by him shall be paid out of the Treasury of the State upon his order; but no order shall be drawn to any Superintendent until said Superintendent shall have filed with the State Auditor the receipt of the Secretary of the Board of Education for the statistical returns of the preceding school year as required

SEC. 3. So much of section one of an act entitled, " An act relating to Common Schools," approved Nov. 23, 1858, as may conflict with this act is hereby repealed.

Sec. 4. This act shall take effect from April

Approved Nov. 21, 1861.

No. 10. An act in addition to an act entitled "an act to provide for the establishment and enlargement of school house yards," approved November 26, 1860.

It is hereby enacted, &c. Sec. 1. Any school district requiring lands for the purpose specified in the first section of an act entitled "an act to provide for the establishment and enlargement of school house yards," approved November 26, 1860, or for the purpose of building a school house, and the lands so required be encumbered by mortgage, such school district shall cause the same notice to be given to the mortgagee, or the assignee of the mortgage, that is required to be given to the owner; and the damage agreed upon, or otherwise determined, as specified in the act aforesaid, shall be paid to the mortgagee or his assignee; but if the sum due on the mortgage be less than the damage, the amount due thereon shall be paid to the holder, and the balance to the owner, on the payment of which damage a valid title shall vest in the district

for the purpose aforesaid. Sec. 2. This act shall take effect from its pas-

Approved November 8, 1861.

No. 15. An act in addition to an act entitled "An act in relation to the Disclosures of Trustees," approved Dec. 6th., 1853.

It is hereby enacted, &c. Sec. 1. In all cases of trustee process any claimant of the funds or property in the hands of the trustee shall have the same right to apply to the court for the appointment of a Commissioner that the plaintiff or trustee has. And in all trustee cases in which a Commissioner has been or may be appointed, such Commissioner shall hear and report upon the claim of any claiment in the cause, and to that end shall no-

hearing, in the same manner as is provided for notice to the trustee in such cases; and the court, feet any attachment or levy already made. upon such report, shall determine the rights of the claimant; Provided, that this act shall not apply to any case in which a hearing has already Appro been completed before a Commissioner.

Sec. 2. This act shall take effect from its pas-

Approved November 21, 1861.

No. 16 .- An act in addition to Chapter 31 of the compiled statutes relating to sale of property on Mesne Process.

It is hereby enacted. &c.

SEC. 1. The same request may be made, and
the same proceedings had for the sale or other disposal of property attached upon mesne pro-cess, after such pricess shall have been retur-ned, as are provided in Chapter thirty one of the Compiled Statutes, for the sale or other disposal of property attached on mesne process provided that such sale or other disposal shall be made before final judgement in the suit in

which such attachment was made.

SEC. 2. When the officer shall sell property a provided in section one of this act, he shall forthwith make return of his doings and sale to the Clerk of the Court or to the magistrate before whom said process shall be pending, and such return shall be appended to, and made part of the officers return on said process.

Sec. 3. This act shall take effect from its Approved Nov. 16 1861.

No. 17.-An act in relation to recognizances.

It is hereby enacted, &c. SEC. 1. Every recognizance, given by a person charged with a criminal offence, or by a witness in any criminal prosecution, within the juri diction of a Justice of the Peace to try and determine, conditioned for the appearance of such person or wieness before ar y Court in cases where the offense is punishable by fine or imprisonment, and in all such cases when an appeal shall be taken by the respondent, shall be taken to the Treasurer of the Treasury into passage. which the fines and costs are made payable by

Sec. 2. This art shall take effect from its Approved Nov. 16, 1861.

No. 21 .- An act relating to the Homestead.

It is hereby enacted, &c. SEC. 1. Whenever the owner of any homestead, shall fail to build, or maintain and keep in good and sufficient repair, his proportion of the adjoining lands of any other person or per sons; and such other person or persons, shall build or repair such tence, and shall have a legal claim against the owner of such homestead passage. therefor; such homestead shall be subject to attachment and levy for such claim in the same manner as other real estate.

Sec. 2. This act shall take effect from its

▶188.1ge. Approved Oct. 31, 1861.

No. 22 .- An act relating to bills of exceptions. It is hereby enacted, &c.

Sec. 1. Whenever any bill of exceptions shall have been allowed and signed, and the be otherwise provided for by law. Judge signing and allowing the same shall have gone out of office, such Judge shall have the same power to amend and correct such bill of lowed by the Court Auditor, with a view to corexceptions that he would have had, if he had rect and prevent any improper allowances, and continued in office.

Sec. 2. This act shall take effect from its

Approved November 21, 1861.

It is hereby enacted &c.

No. 23. An act to compel the attendance of witnesses in Criminal prosecutions.

Szc. 1. If any person who has been legally summoned as a witness to attend before any court in this State, to testify in a criminal cause, shall wilfully or wrongfully refuse to attend before such court and testify, such person so offending shall forfeit and pay a fine of not ex-ceeding one hundred nor less than ten dollars,

or may be imprisoned in the county jail not ex-ceeding six months, or be subject to both of said penalties in the discretion of the court. Sec. 2. If any person shall knowingly and wrongfully counsel, aid, or assist any person so summoned to testify as aforesaid, to absent himself from attendance before such court, he shall pay a fine of not more than fifty nor less than ten dollars, in the discretion of the court.

SEC. 3. This act shall take effect from its Approved Nov. 9, 1861.

No. 24.—An act in relation to the Collection of

Taxes in certain cases.

It is hereby enacted, &c. SEC. 1. If, at any time, after making up the Grand List of any town and setting therein the property of any unmarried woman, she shall marry and her property thereby pass into the possession of her husband, it shall be lawful for any collector of taxes who may hold a tax against said unmarried woman, at the time of her marriage, or at any time thereafter, to collect the same of her said husband, in the same manner as if the tax had been originally assessed egainst such husband.

Sec. 2. This act shall take effect from its pas-

Approved November 16, 1861.

No. 25 .- An act in amendment of section fifteen, of chapter sixty-eight, of the Compiled Statutes.

the family of such husband and wife, and except debts for la'o' or materials furnished upon the next Legisla'sre.

the Auditor of Accounts shall make report of the first settled minister in said Belvidere, the Gostal tel right so called and the Technique.

SEC. 5. This act shall take effect on the first tify such claimant of the time and place of such or for the cultivation or improvement of such SEC. 2. This act shall take effect from its

Approved Nov. 20, 1861.

No. 27 .- An act in relation to Constable fees for the sale of non-resident lands.

Section thirty five of Chapter eighty one of the Compiled Statutes in relation to Constables' fees for the sale of non-resident lands." Approved Nov. 14, 1854, shall read as follows: Constasending advertisements to press, fifty cents for one lot or parcel of land, and six cents for each additional lot or parcel; for each redemption of land sold, for one lot ten cents, and for passage.

additional lot four cents.

Sec. 2. This act shall take effect from its No. 39.—An act to repeal sections six, seven, Approved Nov. 16, 1861.

No. 28 -An act in amendment of chapter sixty-nine of the Compiled Statutes relating to guardians and wards.

It is hereby enacted, &c. SEC. 1. The proviso to the third sub-division of the fourth section of chapter sixty nine of the Compiled Statutes is so amended as to read as follows: Provided, that previous to such ap pointment, the parent if he resides within this State, shall have notice of the application and an opportunity to make his objections.

Sec. 2 This act shall take effect from its

Approved Nov. 20, 1861.

No. 31 -An act relating to actions in which the Sate is the party in interest. It is hereby enacted, &c.

SEC. 1. All actions in which the State is the party in interest, shall hereafter be commenced in the name of the State.

Sec. 2. This act shall take effect from its Approved Nov. 21, 1861.

No. 32 .- An act in relation to interest upon balances due to the State. It is hereby enacted, &c.

SEC. 1. All Banks in this State, in which the moneys of the State shall be deposited by or under the direction of the State Treasurer, shall hereafter pay, for the benefit of the State, upon the average balance due to the State for each month, interest at the rate of three per cent. per the division fence between such homestead and annum; and it is hereby made the duty of the State Treasurer to collect such interest in the name of the State.

Sec. 2. This act shall take effect from its Approved Nov. 21, 1861.

No. 33 .- An act relating to the auditing of accounts against the State.

It is hereby enacted, &c. Sec. 1. All accounts against the State shall hereafter be presented to the Auditor of Accounts for examination and allowance, except such as properly pertain to the several courts in

Sec. 2. It shall be the duty of the Auditor of Accounts to examine the various accounts alhe may from time to time establish such rules and regulations, not inconsistent with law, for their guidance, as he may deem necessary in order to obtain a more thorough and careful examination of the accounts presented to them for examination and allowance, and for the purpose of establishing, as nearly as practicable, a uniform system of allowances.

Sec. 3. All acts and parts of acts inconsistent with this act, are hereby repealed. Sec. 4. This act shall take effect from its pas-

Approved November 21, 1861.

No. 35 .- An act in addition to Chapter 18 of the Compiled Statutes, in relation to the support and removal of paupers and the relief of the insane poor.

It is hereby enacted, &c. Sec. 1. It any married man of sufficient abilty to support and maintain his wife, shall by his own neglect or default suffer her to become chargeable as a pauper upon any town in this State, such town may recover the expense incurred in the support of such wife in an action of assumpsit against such husband; provided that no recovery shall be had for any expense so incurred more than one year previ-

ous to such action. SEC 2. This act shall take effect from its

Approved Nov. 9. 1861.

No 36 .- An act making provision for the debts against the Vermont State Prison. It is hereby enac ed. Se.

Sec. 1. The Treasurer of this State is hereby directed to i sue the bonds of this State for such sums as the Superintendent of the State Frison shall require, not exceeding in the whole, eight thousand dollars which bonds shall in all other respects conform to the conditions and limitations of section 2 of an act entitled " an act making an appropriation for arming, &c., the Militta of this State."

SEC. 2. The Superintendent of the State Prison shall receive said bonds so issued by the Treasurer upon his requisition; and therewith pay the outstanding debts of the Vermont State SEC. 1 The annual products of the real cs tate of any married woman shall not be attached or levied upon for any debt or liability of her

SEC. 3. This act shall take effect from its Approved Nov. 21, 1861.

No. 38 -An act in relation to the appointment

of Jail Commissioners. It is hereby enacted, &c

SEC. 1. Whenever the office of Commissioner of Jail delivery in any County shall become va-It is hereby enacted, &c.

Sec. 1. Section one of "an act amending of the County Court in the County in which such vacancy occurs, may at any time, fill such vacancy by the appointment of another person, who shall be sworn to the faithful dis-

eight and nine of chapter ninety-nine of the Compiled Statutes, entitled " An act for the encouragement and promotion of Agriculture, Domestic Manufactures and the Mechanic

It is hereby enacted, &c. SEC. 1. Sections six, seven, eight and nine of chapter ninety-nine of the Compiled Statutes

are hereby repealed. SEC. 2. This act shall not affect any claim which any County shall have for any money on account of Agricultural exhibitions which have

been made the present year.

SEC. 2. This act shall take effect from its Approved Nov. 8, 1861.

No. 40 .- An act authorizing Selectmen to light

covered bridges. It is hereby enacted, &c.

SEC. 1. The Selectmen of the several towns in this State are authorized, in their discretion, to place lamps, or the necessary appliances for gas, in such of the covered bridges in their respective towns, for the purpose of lighting such bridges, and cause the same to be properly lighted and taken care of, at such times and on such occasions as they shall see fit, and as the safety and convenience of the travel upon such bridges may require, at the expense of their respective towns.

Sec. 2. This act shall take effect from its

Approved Nov. 8, 1861.

No. 41 .- An act to prevent the circulation of counterfeit and altered Bank Bills. It is hereby enacted, &c.

SEC. 1. Any and every Bank now established. or which may be established under the authority of this State, which shall receive in payment or upon deposite, or for redemption from any other Bank, or from any person or persons, any counterfeit Bank Bill, shall write or stamp upon such Bank Bill the word " counterfeit," adding thereto or thereunder the name of the Bank, and the initials of its officer by which such writing or stamp shall be made.

Sec 2. Any Bank Note or Bill which may have been aftered from its original denomination or amount to some other, shall in like manthis State, and such military accounts as may ner be stamped with the word "altered," in such manner as to give notice of its alteration. Sec. 3. If any Bank or its officers shall, by mistake or inadvertance, make any such writing or stamp upon a Bank Note or Bill which is not counterfeit or altered, the Bank or its officer shall not be answerable in damages for any sum greater than the actual loss or damage which such mistake or inadvertance may produce, in

> or writing was fracialently made. SEC. 4. This act shall take effect from its passage.

no case to exceed the amount of such Bill-ex-

cept in cases where it appears that the stamp

Approved Nov. 8, 1861. No. 42 .- An act relating to Bank loans to this

State and the United States. It is hereby enacted, &c. Sec. 1. Section seventy-four of chapter eghtyfour of the Compiled Statutes, shall not be so construed as to prevent any Bank from loaning to the State of Vermont, or to the Government of the United States, a sum exceeding ten per

cent. of its capital stock. Sec. 2. " An act in addition to chapter eighty-four of the Compiled Statutes, relating to Banks, approved April 26, 1861," is hereby repealed. Sec. 3. This act shall take effect from its pas-

Approved Nov. 20, 1861.

No. 47 .- An act to alter the time of holding the County Court in the County of Orange. It is hereby enacted, &cs

SEC. 1. The County Court for the County of Orange, shall hereafter be held on the third Tuesday of June, and the second Tuesday of January of each year ; Provided, that this act. shall not abouish, nor in any way affect the term of the Court now appointed to be holden on the third Tuesday of January, A. D. 1862. Approved Nov. 20, 1861.

No. 48 .- An act providing for the division of the lands reserved for public uses in the charter of the town of Belvidere.

Whereas, in the charter of the town of Delvidere to John Kelley, there was reserved for public uses the " usual quantity of land reserved in other townships chartered by this State;" and whereas, the said John Kelley, or his beirs or grantees did, in the survey of said town, actually set apart for said uses lots numbered 162, 163, 164, 165, 166, 167, 168 and 169, on the plan of said town; and whereas, by force of said grant, the right of the University of Vermont, the right of the County Grammar School